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Commonwealth of Massachusetts

MIDDLESEX SUPERIOR COURT

Case Summary

Civil Docket

05/17/2004

08:41 AM

MICV2004-01485

Morey, DVM v Healthy Pet Corporation of Massachusetts et al

File Date	04/07/2004	Status	Disposed: transfered to other court (dtrans)
Status Date	05/10/2004	Session	L2 - Cv time-stan 2 (Lower)
Origin	1	Case Type	A01 - Services, labor materials
Lead Case		Track	F

Service	07/06/2004	Answer	09/04/2004	Rule 12/19/20	09/04/2004
Rule 15	09/04/2004	Discovery	02/01/2005	Rule 56	03/03/2005
Final PTC	04/02/2005	Disposition	06/01/2005	Jury Trial	Yes

PARTIES

Plaintiff

Peter Morey, DVM
Active 04/07/2004

Private Counsel 555199

Frank C Muggia
Frank C Muggia & Associates
6438 West Quaker Street
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Phone: 716-657-9700
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Active 04/07/2004 Notify

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Warren Hensley & Bowen
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Active 04/14/2004 Notify

Defendant

Healthy Pet Corporation of Massachusetts
Served: 04/14/2004
Answered: 04/29/2004
Answered 04/29/2004

Private Counsel 552379

Catherine E Reuben
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1 Boston Place
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Active 04/26/2004 Notify

*** See Attorney Information Above ***

Defendant

Healthy Pet Corporation
Served: 04/14/2004
Answered: 04/29/2004
Answered 04/29/2004

ENTRIES

Date	Paper	Text
04/07/2004	1.0	Complaint & civil action cover sheet filed
04/07/2004		Origin 1, Type A01, Track F.

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MIDDLESEX SUPERIOR COURT
Case Summary
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MICV2004-01485
Morey, DVM v Healthy Pet Corporation of Massachusetts et al

Date	Paper	Text
04/07/2004	2.0	Plaintiff Peter Morey, DVM's MOTION for Preliminary Injunction
04/07/2004	3.0	Memorandum of Law in support of Dr, Peter Morey's motion for preliminary injunction.
04/07/2004	3.1	Affidavit of Dr. Peter L. Morey
04/07/2004	4.0	Plaintiff Peter Morey, DVM's ex parte emergency MOTION for short order of notice.
04/07/2004	5.0	2 Summons and order of notice issued; returnable April 14, 2004 at 2:00 pm in Lowell 2.
04/14/2004		Hearing on (P#2) Preliminary Injunction held, matter taken under advisement. (Jane Haggerty, Justice)
04/14/2004	6.0	SERVICE RETURNED: Summons and Order of Notice on Healthy Pet Corporation of Massachusetts (Defendant) filed in Court with proof of service in. hd. 4/9/04.
04/14/2004		SERVICE RETURNED: Summons and Order of Notice on Healthy Pet Corporation (Defendant) filed in Court with proof of service in hd. on 4/9/04.
04/14/2004	7.0	Opposition of Defendants to Plaintiff's Motion for Preliminary Injunction filed in Court.
04/14/2004	8.0	Memorandum of Defendants in Opposition to Plaintiff's Motion for Preliminary Injunction filed in Court.
04/14/2004	9.0	Affidavit of Gino Volpacchio filed in Court.
04/14/2004	10.0	Affidavit of Cheryl Sonick filed in Court.
04/15/2004		Complaint P#1. After hearing and review of the submissions, the request for a Preliminary Injunction is DENIED as there is no demonstration of success on the merits. (S. Jane Haggerty, Justice). notices mailed April 15, 2004.
04/29/2004	11.0	ANSWER: Healthy Pet Corporation of Massachusetts(Defendant)
04/29/2004		ANSWER: Healthy Pet Corporation(Defendant)
05/10/2004	12.0	Case REMOVED this date to US District Court of Massachusetts

EVENTS			
Date	Session	Event	Result
04/14/2004	Cv time-stan 2 (Lowell)	Motion/Hearing: prel inj Denied. (Haggerty, J.).	Event held as scheduled



Commonwealth of Massachusetts
SUPERIOR COURT DEPARTMENT OF THE JUDICIAL BRANCH
in testimony that the foregoing is a true copy on file
and of record made by photographic process. I hereunto
set my hand and affix the seal of said Superior Court
this 17th day of May 2004.
Paul A. Corrice
Deputy Assistant Clerk

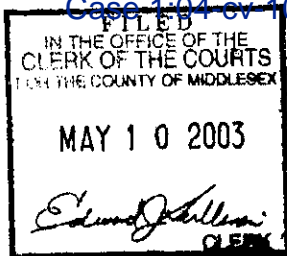
Commonwealth of Massachusetts
County of Middlesex
The Superior Court

I, , Assistant Clerk of the Superior Court of the Commonwealth of Massachusetts within and for said County of Middlesex, do certify that the papers hereto annexed are true pleadings in case No. **MICV2004-01485** entered in the Superior Court on **04/07/2004**.

IN TESTIMONY WHEREOF, I hereunto set my hand and
affix the seal of said Superior Court,
at said Lowell
this 17th day of May, in the year of our
Lord 2004



Michael M. Brennan
Assistant Clerk of the Courts



12

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

PETER MOREY, D.V.M.

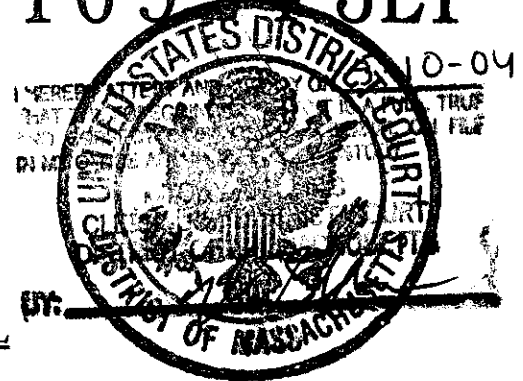
Plaintiff,

v.

**HEALTHY PET CORP. OF
MASSACHUSETTS AND HEALTHY
PET CORP.**

Defendants.

04 - 10924 JLT



NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1446(a), the Defendants, Healthy Pet Corp. of Massachusetts and Healthy Pet Corp. file this Notice to remove the above-captioned case to this Court. In support of removal, the Defendants respectfully state as follows:

1. Healthy Pet Corp. and Healthy Pet Corp. of Massachusetts are the Defendants in a civil action brought on or about April 6, 2004 in the Superior Court of Middlesex County, Massachusetts, identified as Peter Morey D.V.M. v. Healthy Pet Corp. of Massachusetts, et al., MLCV-2004-01485 (the "State Court Action").

2. A copy of the Complaint, which is the initial pleading setting forth the claims for relief upon which this action is based, was served upon the Defendants on April 8, 2004. This Notice of Removal is filed within thirty (30) days of notice upon the Defendants of this action and is timely filed pursuant 28 U.S.C. § 1446(b).

3. Removal of this action is proper under 28 U.S.C. § 1441(a) as it is a civil action brought in a state court, of which the District Courts of the United States have original jurisdiction under 28 U.S.C. § 1331. The plaintiff seeks relief under the Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. § 1961, a federal statute.

4. Pursuant to 28 U.S.C. § 1446(d), notice of the filing of this Notice of Removal is being given to all parties in the State Court Action by filing a Notice of Filing Notice of Removal of Action, along with a copy of this Notice of Removal, in the State Court Action and by service upon all parties in accordance with applicable law.

5. Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings and orders served upon Defendants are attached hereto as Exhibit A. Pursuant to L.R. 81.1, Defendants will file in this Court, within thirty (30) days after filing this Notice of Removal, certified or attested copies of all records and proceedings in the Middlesex Superior Court and a certified or attested copy of all docket entries in the Middlesex Superior Court.

6. Defendants reserve the right to raise all defenses and objections in this action after the action is removed to this Court.

Respectfully submitted,
**HEALTHY PET CORP. OF
MASSACHUSETTS AND HEALTHY PET
CORP.,**

By their attorneys,




Catherine E. Reuben BBO#552379
ROBINSON & COLE LLP
One Boston Place
Boston, MA 02108
Tel 617-557-5916

Dated: May 10, 2004

CERTIFICATE OF SERVICE

I hereby certify that on May 10, 2004, I caused to be served a true and correct copy of the foregoing by first class mail, postage prepaid, addressed as follows:

Frank C. Muggia, Esq.
6438 W. Quaker Street
Orchard Park, New York 14127


Catherine E. Reuben